

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 27-42 are pending in the present application. Claims 27 and 34 are amended by the present amendment. Support for the amended claims can be found at least at p. 22, ll. 15-34 of the originally filed specification. No new matter is presented.

In the Final Office Action of October 14, 2010 (herein, the Final Office Action), Claims 27-32, 40 and 42 are rejected under 35 U.S.C. § 103(a) as unpatentable over Carrender et al. (U.S. 2005/0156039, herein Carrender) in view of Tiernay et al. (U.S. 2001/0050922, herein Tiernay), Reis et al. (U.S. 5,640,151, herein Reis) and MacLellan et al. (U.S. 6,177,861, herein MacLellan); and Claims 33-39 and 41 are rejected under 35 U.S.C. § 103(a) as unpatentable over Carrender in view of Tiernay, Reis, MacLellan and Hermann et al. (U.S. 2003/0151513, herein Hermann).

In response to the above-noted rejections under 35 U.S.C. § 103, Applicant respectfully submits that amended independent Claim 27 recites novel features clearly not taught or rendered obvious by the applied references.

Independent Claim 27 recites, in part, a heterogeneous wireless data transmission network comprising:

a first master node;  
a second master node ..., wherein ...  
the second master node is configured to provide an electromagnetic field to allow MBS communication ***and does not take part in the MBS communication while providing the electromagnetic field***, and  
***only*** the first master node is configured to receive the data from the first passive transmitter when the second master node provides the electromagnetic field.

As disclosed in an exemplary embodiment at least at p. 22, ll. 15-34 of the originally filed specification, the polling unit (PU) that provides the electromagnetic field (e.g., ether) does not take part in the communication.

At p. 5, the Final Office Action acknowledges that the combination of Carrender, Tiernay and Reis “do not teach a second master node the second master node is configured to provide an electromagnetic field to allow MBS, and the first master node is configured to receive the data from the first passive transmitter when the second master node provides the electromagnetic field.” In an attempt to remedy this deficiency, the Final Office Action relies on MacLellan.

MacLellan describes a system that provides short range wireless data communication from a central point (e.g., interrogator 103) to inexpensive endpoints (e.g., tags 105).<sup>1</sup> MacLellan further describes that, depending on the propagation characteristics of the environment, it may be that downlink messages from more than one interrogator 103 may be successfully received by a tag 105; it may also be that an uplink message from a specific tag 105 may be successfully received by multiple interrogators 103.<sup>2</sup>

MacLellan, however, fails to teach or suggest that a second interrogator 103 provides an electromagnetic field to allow MBS communication ***and does not take part in the MBS communication while providing the electromagnetic field***, while ***only*** a first interrogator receives the data from the first passive transmitter when the second master node provides the electromagnetic field, as recited in amended independent Claim 27.

As disclosed in an exemplary embodiment at Fig. 4-2, p. 23, l. 33 – p. 34, l. 28, and p. 15, ll. 10-22 of the specification. An advantage of the claimed configuration is that the division of labor between master nodes allows one master node to concentrate on providing

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<sup>1</sup> MacLellan, Fig. 1 and col. 2, ll. 61-64.

<sup>2</sup> Id., col. 6, ll. 17-22.

the electromagnetic field while the other concentrates on receiving the modulated backscatter signals.

The object of MacLellan, in contrast, is to assure complete radio coverage.<sup>3</sup> This object is in no way analogous to the above-noted advantage achieved by the claimed configuration. More specifically, a specific advantage of the claimed configuration is the division of labor of the nodes, whereas the objective of MacLellan is to acquire complete radio coverage. In MacLellan, each node needs to be able to perform every operation to step in for and/or replace a neighbor node, which is clearly not a division of labor between the nodes.

MacLellan, therefore, fails to teach or suggest that his network includes a first master node, and a second master node, wherein “the second master node is configured to provide an electromagnetic field to allow MBS communication *and does not take part in the MBS communication while providing the electromagnetic field*, and *only* the first master node is configured to receive the data from the first passive transmitter when the second master node provides the electromagnetic field”, as recited in amended independent Claim 27.

Accordingly, for at least the reasons discussed above, Applicant respectfully requests that the rejection of Claim 27 (and the claims that depend therefrom) under 35 U.S.C. § 103 be withdrawn.

Regarding the rejection of Claims 33-39 and 41 under 35 U.S.C. § 103(a) as unpatentable over Carrender in view of Tiernay, Reis, MacLellan and Hermann, Applicant notes that these claims each ultimately depend from independent Claim 27 and are believed to be patentable for at least the reasons discussed above. Moreover, Hermann fails to remedy the above noted deficiencies of Carrender, Tiernay, Reis and MacLellan.

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<sup>3</sup> *Id.*, col. 6, ll. 13-15.

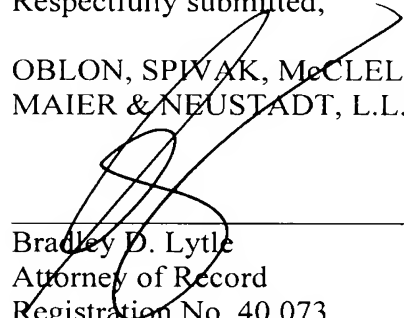
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Accordingly, Applicants respectfully request that the rejection of Claims 33-39 and 41 under 35 U.S.C. § 103 be withdrawn.

Consequently, in view of the foregoing comments, it is respectfully submitted that the invention defined by Claims 27-42 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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